

**MINUTES**  
**Ethics Board**  
**Monday, June 13, 2016**  
**City Hall, Room 207**  
**6:00 p.m.**

Members Present: Bill Vande Castle, Dawn Foeller, Mark Olsen, Ald. Bill Galvin

Members Excused: Wa Yia Thao, Alt. Dr. Justin Mallett

Others Present: City Atty. Vanessa Chavez, Asst. City Atty. Joe Faulds, Ald. Mark Steuer

**1. Call to order.**

The meeting was called to order at 6:00 p.m. by Chairman, Bill Vande Castle. Roll call was taken as noted above.

**2. Approval of the agenda.**

Motion by D. Foeller, second by M. Olsen to approve the agenda. Motion carried.

**3. Approval of minutes of the May 25, 2016 meeting.**

Motion by D. Foeller, second by B. Galvin to approve the minutes of the May 25, 2016 meeting. Motion carried.

**4. Hearing on Ethics Complaint against Chris Wery filed by Debbie Jacques under the City of Green Bay Code of Ethics Section 1.90, Sec. (1), (2), and (3).**

Atty. Rick Nell introduced himself and Atty. Amanda Toonen who were present on behalf of Debbie Jacques. B. Vande Castle inquired if any member of the Board had a conflict of interest in this matter. There were no conflicts of interest. He then asked if any member of the Board had received any communications about this matter except for the communication from the City Clerk. No other communications were received.

C. Wery asked for the hearing to be in closed session. Atty. Chavez stated that the hearing should be held in open session unless there was a request made to have the hearing in closed session. She further stated there was no basis to

identify this item on the agenda as being in closed session ahead of time, and therefore the open meetings laws would not be violated.

Motion made by D. Foeller, second by M. Olsen to convene in closed session. Motion carried.

B. Vande Castle explained that the testimony part of the hearing will be in closed session as requested and then the Board will go back into open session and proceed with the rest of the agenda. He stated each side would be given 30 minutes to present their side and 10 minutes to present a closing statement position to the Board. The Board would then resume in open session and go into deliberations. The Board went into closed session at 6:05p.m.

At 7:07 p.m. the Board was back in open session and B. Vande Castle stated that the hearing portion had concluded, and the parties had offered testimony and closing statements. He said the Board took a 5 minute break at 6:55 p.m. B. Vande Castle then read from the Code of Ethics and said his understanding is that to make a motion finding probable cause, 4/5 of the Board would need to be in agreement and asked Atty. Chavez since two members were absent from the meeting, would a unanimous vote be required? Atty. Chavez responded "yes".

**5. Deliberations and action on Ethics Complaint against Chris Wery under the City of Green Bay Code of Ethics Section 1.90, Sec. (1), (2), and (3).**

B. Vande Castle inquired about the deliberations being in open or closed session. Atty. Chavez responded that since the hearing was conducted in closed session, the Board deliberations should also be conducted in closed session.

Motion by D. Foeller, second by M. Olsen to convene in closed session. Motion carried. B. Vande Castle read the closed session notice. At this time only Atty. Faulds, Atty. Chavez and the Ethics Board members remained in the room.

Motion by D. Foeller, second by M. Olsen to return to open session. Motion carried. B. Vande Castle stated that the Board had completed deliberations and asked if there was a motion.

Motion by B. Galvin that based on the discussion, the Board found probable cause that Ald. Wery violated the Code of Ethics. Second by M. Olsen. It was found that, based on the evidence presented, sometime during March 2016, Ald. Wery through his employment, accessed the personal information of Ms.

Jacques and her daughter, and that such actions were in violation of the City of Green Bay Code of Ethics Section 1.90, Sec. (1), (2), and (3).

A vote was taken on the motion, with all four members voting "aye". Motion carried.

Motion made by M. Olsen, second by B. Galvin to refer this to the full City Council. Motion carried.

Atty. Chavez stated that her office will prepare a written draft of the findings based on what was decided tonight and present these findings to the Ethics Board at their next meeting. She said once the findings are formally adopted by the Board, it will be referred to the City Council.

After brief discussion, it was decided to hold the next meeting of the Ethics Board on Tuesday, July 5, 2016 at 5:30 p.m.

There being no further business, motion by M. Olsen, second by B. Galvin to adjourn. Motion carried.

Respectfully submitted,

Mary Haupt